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**CLAIM LISTING:**

Applicant submits that the following claim listing accurately represents the proper status of the claims following the decision of the Board of Patent Appeals in this case:

1. (Cancelled).

2. (Cancelled).

3. (Cancelled).

4. (Currently Amended) A backpack and chair apparatus, comprising:

a storage pack;

a frame attached to said storage pack, providing rigid structure and back support;

a plurality of straps attached to said frame enabling a person to carry said frame and said storage pack on one's back in a backpack mode;

a sub-frame pivotally attached to said frame and capable of being pivoted from the backpack mode to a chair mode thereby enabling a person to sit on the apparatus as a chair;

a locking assembly pivotally attached to said sub-frame and capable of being pivoted from a backpack mode enabling position to a chair mode locking position to lock and secure the sub-frame when in the chair mode so that the apparatus remains in the chair mode when sat on by a person; and

[The backpack and chair apparatus of claim 1,]

further comprising a cushion attached to the sub-frame such that it acts as a back support when the apparatus is in the backpack mode and a seat cushion when the apparatus is in the chair mode.

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5. (Original) The backpack and chair apparatus of claim 4, wherein the cushion is removably attached to the sub-frame.

6. (Previously Presented) A backpack and chair apparatus, comprising:  
a storage pack;  
a frame attached to said storage pack providing rigid structure and back support;  
a plurality of straps attached to said frame enabling a person to carry the said frame and said storage pack on one's back in a backpack mode;  
a sub-frame pivotally attached to said frame and capable of being pivoted from the backpack mode, wherein the sub-frame is positioned parallel to the frame, to a chair mode, wherein the sub-frame is positioned perpendicular to the frame, thereby enabling a person to sit on the apparatus as a chair;  
a locking assembly pivotally attached to said sub-frame and capable of being pivoted from a backpack mode enabling position to a chair mode locking position to lock and secure the sub-frame when in the chair mode so that the apparatus remains in the chair mode when sat on by a person;  
a cushion attached to the sub-frame such that it acts as a back support when the apparatus is in the backpack mode and a seat cushion when the apparatus is in the chair mode.

7. (Original) The backpack and chair apparatus of claim 6, wherein said locking assembly comprises a jointed swing arm pivotally attached at one end to the sub-frame and removably attachable at the other end to the frame, such that one segment of the jointed swing arm acts as a chair leg to the sub-frame when in the chair mode.

8. (Previously Presented) The backpack and chair apparatus of claim 7, wherein conversion of the sub-frame between backpack mode and chair mode, and

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correspondingly of the locking assembly between the backpack enabling position and the chair locking position, requires no tools of assembly and is performed with nominal effort.

9. (Original) The backpack and chair apparatus of claim 6, wherein the sub-frame, when in chair mode, enables a person to sit on the apparatus as a chair of normal household stability and size.

10. (Original) The backpack and chair apparatus of claim 6, wherein said straps are attached to the frame at a position that facilitates a balanced pack load that does not ride uncomfortably low on a user's back when in the backpack mode.

11. (Original) The backpack and chair apparatus of claim 6, wherein the storage pack and frame are removably attached.

12. (Original) The backpack and chair apparatus of claim 6, wherein the cushion is removably attached to the sub-frame.

13. (Previously Presented) A backpack and chair apparatus, comprising:  
a storage pack;  
a frame attached to said storage pack providing rigid structure and back support;  
a plurality of straps attached to said frame enabling a person to carry the said frame and said storage pack on one's back in a backpack mode, wherein said straps are attached to the frame at a position that facilitates a balanced pack load that does not ride uncomfortably low on a user's back when in the backpack mode;  
a sub-frame pivotally attached to said frame and capable of being pivoted from the backpack mode, wherein the sub-frame is positioned parallel to the frame, to a chair

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mode, wherein the sub-frame is positioned perpendicular to the frame, thereby enabling a person to sit on the apparatus as a chair of normal household stability and size;

a locking assembly pivotally attached to said sub-frame and capable of being pivoted from a backpack mode enabling position to a chair mode locking position to lock and secure the sub-frame when in the chair mode so that the apparatus remains in the chair mode when sat on by a person, wherein said locking assembly comprises a plurality of jointed swing arms pivotally attached at one end to the sub-frame and removably attachable at the other end to the frame, such that one segment of each jointed swing arm acts as a chair leg to the sub-frame when in the chair mode;

wherein conversion of the sub-frame between backpack mode and chair mode, and correspondingly of the locking assembly between the backpack enabling position and the chair locking position, requires no tools of assembly and is performed with nominal effort;

a cushion attached to the sub-frame such that it acts as a back support when the apparatus is in the backpack mode and a seat cushion when the apparatus is in the chair mode.

14. (Original) The backpack and chair apparatus of claim 13, wherein the locking assembly comprises a plurality of the said jointed swing arm.

15. (Original) The backpack and chair apparatus of claim 13, wherein the storage pack and frame are removably attached.

16. (Original) The backpack and chair apparatus of claim 13, wherein the cushion is removably attached to the sub-frame.

17. (Original) The backpack and chair apparatus of claim 16, wherein the cushion further includes a zipper for ease of removal.

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18. (Cancelled).

19. (Previously Presented) The backpack and chair apparatus of Claim 1 further comprising a plurality of seat braces operative as stabilizers to prevent the chair from collapsing forward.

20. (Cancelled).

21. (Cancelled).

22. (Cancelled)..

23. (Previously Presented) The backpack and chair apparatus of Claim 7 wherein the locking assembly further comprises a male locking brace and a female brace catch that interconnect to secure the locking assembly.

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